

Remarks

As an initial matter, Applicant thanks the Examiner for allowing claims 23 and 24 in their originally filed form.

The Office Action rejected claims 1 and 12 as obvious over Geiser in view of Burton. Applicant has amended claim 1 to overcome this rejection.

To overcome the cited art, claim 1 has been amended to now require that when the heart beat signal pulse times are modified by storing an additional R-peak time or eliminating an existing R-peak time, a feature that was not taught or suggested by the cited references. As recognized by the Office Action, the cited section of Geiser only teaches triggering a procedure off R-peak times and fails to teach or suggest modifying R-peak times in any fashion.

With respect to Burton, the cited sections of Burton (including the discussion regarding Figs. 48 and 49) teach techniques for accurately measuring R-peaks and variations therein and for modifying the R-peak times but does not teach adding or eliminating R-peak pulses to a heart beat signal.

For the above reasons Applicant believes amended claim 1 and the claims that depend therefrom are patentable over Geiser in view of Burton. Claim 12 depends from claim 1 and therefore should be patentable over the cited references.


Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes the pending claims of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 07-0845 in the amount of the fee.

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Respectfully submitted,

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